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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6582 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DINESH ARJANBHAI CHAVDA

C/O NIMNATH SODA CENTRE

Versus

STATE OF GUJARAT

Appearance:

MR TUSHAR MEHTA for Petitioner

MR KT DAVE ASSTT GP for Respondents.

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 27/08/98

ORAL JUDGEMENT

Leave to amend the cause title by way of joining the Mamlatdar, Malia-Hatina as party-respondent No. 5 to the petition.

2. Rule. Service of Rule is waived by Mr. K.T.Dave, learned Assistant Government Pleader appearing for the respondents. On the facts and circumstances of the case, the matter is taken up for final hearing today.

3. On going through the facts set out in the petition, it would clearly appear that the petitioner belongs to Rabari Community of Gir, Barda and Alech area as declared under the Presidential Notification pursuant to the Certificates issued from the Commissioner of Scheduled Tribe Development, Gandhinagar (card describing particulars relating to scheduled tribes). It appears that respondent No. 5 has not considered this vital piece of evidence. In that view of the matter, following direction is required to be issued :

Respondent No. 5 will issue the required certificates as prayed for in this petition on the basis of the aforesaid piece of evidence within one week from today. Rule is made absolute to the above extent only. The ad-interim relief will stand extended for a period of ten days from today. Direct Service is Permitted.

27.8.1998. *****

Vyas